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April 20, 2006

FAX (718) 613-2456

Honorable John Gleeson, U.S.D.J.
United States Courthouse for the
Eastern District of New York
225 Cadman Plaza East
New York, N.Y.

Re: U.S. v. Carlos Colon, Dkt. No. 05 Cr. 101 (JG)

Dear Judge Gleeson:

The above entitled matter is on for sentencing this Friday, April 21st at 2 P.M. Please be advised that the attorney assigned pursuant to the Criminal Justice Act for Mr. Carlos Colon, Mr. Peter E. Quijano, is currently in trial before the Honorable Nicholas G. Garufis, U.S.D.J. in the matter of U.S. v. Basciano et al. 03 Cr. 929 (NGG). Accordingly, Mr. Quijano has asked me to assist him in the above entitled matter. Mr. Colon has been informed of Mr. Quijano's trial engagement and has no objection to my replacement as his attorney for the limited purpose of his sentencing proceeding. I have been in contact with the attorney for the Government, Mr. Charles P. Kelley, Esq., and he is aware of my representation of Mr. Colon and also has no objection to it.

After speaking with Mr. Kelly on Wednesday afternoon, April 19th, we have agreed that it would be best that the sentencing of Mr. Colon be adjourned one more time so that I can address in writing the issue of the quantity of heroin that Mr. Colon ought to be accountable

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April 20, 2006

for.[1] With Your Honor's permission, I am requesting that the sentencing of this matter be adjourned for two more weeks until Friday, May 5th.

Should the Court need to speak with me concerning this adjournment, I can be reached at anytime at (917) 751-5754.

Thank you.

Very truly yours,

Richard Palma

Copy AUSA Charles P. Kelly (via fax)

Adjourned to 5/19/06 @ 3:00 pm

s/John Gleeson

[illegible]

[1] Mr. Colon pleaded guilty of possessing with the intent to distribute 100 grams or more of heroin and the PSR indicates that the Court ought to hold him accountable for only 20 grams of heroin. This dispute of the quantity of heroin that Mr. Colon ought to be accountable for raises an issue addressed by our Circuit Court in **U.S. v. Gonzalez, 420 F.3d 111 (2d. Cir. Aug. 22, 2005)**. Both the Government and I believe that this issue ought to be briefed in writing before the sentencing go forward.

FAX COVER SHEET

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TO: **The Chambers of the Honorable John Gleeson, U.S.D.J.**

FAX: **(718) 613-2456**

FROM: **RICHARD PALMA, ESQ**

RE: **U.S. v. Carlos Colon, Cr. No. 05 Cr. 101 (JG)**

PAGES: **Three (3) PAGES INCLUDING COVER SHEET.**

DATE: **April 20, 2006**